

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 13

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO TAXATION; AMENDING SECTION 63-4502, IDAHO CODE, TO REVISE A  
PROPERTY TAX EXEMPTION FOR CERTAIN NEW CAPITAL INVESTMENT, TO REVISE  
DEFINITIONS AND TO REVISE PROCEDURES; DECLARING AN EMERGENCY AND PRO-  
VIDING RETROACTIVE APPLICATION.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 63-4502, Idaho Code, be, and the same is hereby  
amended to read as follows:

63-4502. TAX EXEMPTION FOR NEW CAPITAL INVESTMENTS. (1) For calendar  
years beginning on or after January 1, 2008, the net taxable value of all  
property of a taxpayer, whether acquired before, during or after the qual-  
ifying period, in excess of four hundred million dollars (\$400,000,000) lo-  
cated within a single county in Idaho shall be exempt from property taxation  
and any special assessment, but only ~~to the extent that such property consti-~~  
~~tutes a new capital investment~~ if the taxpayer makes a qualifying new capital  
investment as defined in subsection (2) of this section.

(2) For purposes of this section, the following definitions shall ap-  
ply:

(a) "Qualifying nNew capital investment" means an investment of at  
least one billion dollars (\$1,000,000,000) made during the ~~project~~  
qualifying period by the acquisition, construction, improvement or in-  
stallation of real or personal property related to new plant and build-  
ing facilities at a project site located within the county referred to  
in subsection (1) of this section.

(b) "New plant and building facilities" means:

(i) Qualified investments as defined in section 63-3029B, Idaho  
Code; or

(ii) Buildings or structural components of buildings, includ-  
ing equipment, materials and fixtures thereof whether used at a  
project site or temporarily stored off-site in the county referred  
to in subsection (1) of this section and intended for use at a  
project site.

(c) "Project Qualifying period" means ~~the an~~ an eighty-four (84) month pe-  
riod of time beginning at the first inspection of the permanent building  
structure at a project site following issuance of the building permit,  
but in no case earlier than January 1, 2008, and ending no later than  
~~seven (7) years~~ eighty-four (84) full months after ~~the calendar year in~~  
~~which~~ such inspection takes place.

(d) "Project site" means an area or areas at which the new plant and  
building facilities described in subsection (2) (b) of this section are  
~~located~~ built.

1       (3) The property included in the calculation for purposes of deter-  
2 mining a qualifying new capital investment value shall include all real  
3 property owned, and all personal property owned, leased or rented. With  
4 respect to leased or rented personal property, only that portion of the prop-  
5 erty for which a taxpayer is contractually liable for payment of property  
6 taxes thereon, shall be included in the calculation of the investment.

7       (4) Notwithstanding the exemption provided in subsection (4) of sec-  
8 tion 63-3029B, Idaho Code, no other exemption from property tax or any spe-  
9 cial assessment provided by the statutes of this state shall be applicable  
10 to any property described in subsection (2) of this section with respect to a  
11 year in which the incentives set forth in subsection (1) of this section ap-  
12 ply to any of the same property.

13       (5) Property subject to the provisions of this section shall not be in-  
14 cluded on ~~the~~ any property roll or ~~the~~ any new construction roll prepared  
15 by the county assessor in accordance with section 63-301 or 63-301A, Idaho  
16 Code, respectively.

17       (6) The state tax commission shall adopt all rules that may be necessary  
18 to implement the provisions of this section.

19       SECTION 2. An emergency existing therefor, which emergency is hereby  
20 declared to exist, this act shall be in full force and effect on and after its  
21 passage and approval, and retroactively to January 1, 2010.